

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

DUNCAN J. McNEIL,)	
)	
Plaintiff,)	
)	
vs.)	CIVIL NO. 05-458-DRH
)	
UNITED STATES OF AMERICA, <i>et al.</i>,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

HERNDON, District Judge:

On September 8, 2005, the Court issued an order denying Plaintiff's request for leave to proceed in forma pauperis because Plaintiff had, "on three or more occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted," *see* 28 U.S.C. § 1915(g), and ordering Plaintiff to pay the full filing fee of \$250.00 or have the case dismissed (Doc. 9).

Plaintiff has responded to the Court's order by a motion "to modify, alter, or amend findings and order pursuant to FRCP 52, 59, and 60 and for relief from order entered 9/7/05," in which he claims that he is under "imminent danger of serious physical injury" and should not be required to pre-pay the full filing fee in the action because his custodians in the Spokane, Washington, county jail are deliberately indifferent to his serious medical needs (Doc. 10).

In both Plaintiff's original and amended complaint Plaintiff seeks enforcement of a "foreign judgment." Plaintiff may not proceed under the "imminent danger" exception to 28 U.S.C. §

1915(g) by claiming imminent danger from circumstances wholly unrelated to the claims enumerated in his complaint.

Accordingly, **IT IS HEREBY ORDERED** that Plaintiff's motion (Doc. 10) is **DENIED**.

IT IS FURTHER ORDERED that Plaintiff shall pay the full filing fee of \$250 for this action within **FIFTEEN (15) DAYS** of the entry of this Order.

IT IS FURTHER ORDERED that if Plaintiff does not comply with this Order in the time allotted, this case will be closed for failure to comply with an order of this Court. FED.R.CIV.P. 41(b); *see generally* *Ladien v. Astrachan*, 128 F.3d 1051 (7th Cir. 1997); *Johnson v. Kamminga*, 34 F.3d 466 (7th Cir. 1994).

IT IS SO ORDERED.

DATED: October 2, 2005.

/s/ David RHerndon
DISTRICT JUDGE